

FISCAL NOTE

HB 3155 - SB 3283

March 4, 2006

SUMMARY OF BILL: Adds all violent offenders to the categories of offenders who must register under the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Monitoring Act of 2004."

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$140,400 Recurring
\$237,500 One-Time
\$85,800 / Incarceration***

Increase Local Govt. Expenditures – Less than \$100,000**

Assumptions:

- By expanding the registry from sexual offenders to all violent offenders, the number of offenders required to register will substantially increase. According to the Administrative Office of the Courts, in FY03-04, there were 569 convictions for violent offenses other than those already required to register. According to the Department of Correction, there were 583 admissions for incarceration for these offenses in the same year.
- The Tennessee Bureau of Investigation (TBI) will require two additional information coordinators. TBI is required to make an administrative determination of eligibility for removal from the registry, which will require an additional attorney position. Recurring personnel costs for these three positions, including benefits, are \$135,100. Additional recurring travel, communication and supply costs are \$5,300. Total recurring costs are \$140,400.
- TBI will incur one-time costs of \$200,000 for software development, \$27,500 for office equipment and related supplies, and \$10,000 for a computer server. Total one-time costs are \$237,500.
- When the registry is implemented, twelve persons will be convicted in the first year of a Class E felony first offense of failing to register and will be incarcerated for 90 days. Population growth of 1.09 percent per year will result in one additional offender charged with this offense in the tenth year as a result of this bill. The maximum cost in the tenth year,

as required by Tenn. Code Ann. § 9-4-210, is based on 13 offenders serving 90 days.

- Thirteen offenders will serve 90 days. According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate is \$4,501.80 (\$50.02 x 90). The total operating cost is \$58,523.40 (\$4,501.80 x 13).
- In subsequent years, one person will be convicted of a second offense and will be incarcerated for 180 days. The cost per inmate is \$9,003.60 (\$50.02 x 180 days). One person will be convicted of a third offense and will be incarcerated for one year. The cost per inmate is \$18,269.81 (\$50.02 x 365.25 days). No significant incarceration cost increase will occur due to population growth in this period.
- Violent offenders will be required to register at the local law enforcement offices; therefore, local governments will see an increase in expenditures of less than \$100,000.

* Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director